



19-E-0394 / DOC 6009455

12 July 2019

Hannah Enderby  
via *FYI.org.nz*

Dear Ms Enderby

Thank you for your request to the Department of Conservation dated 15 June 2019. You requested the following information:

*It has come to my attention that accusations of threats to DOC staff have been laid between 7 and 10 June 2019 in the wellington area. Please provide a summary of these threats, along with an outline of the nature of these threats. Please provide an accounting of how much DOC spent on these "alleged" "threats" along with date stamped evidence of said threats.*

*Please also send me excerpts from generic DOC staff employment contracts relating to commitments to honesty and integrity.*

Before considering your request, we have set out the following contextual information in the hope that it will assist your understanding of the matters you have raised.

**DOC has experienced an increased level of threats, harassment, abuse and confrontation**

Over the last twelve months DOC and its people have been subjected to a significant number of incidents of threats, harassment, abuse and confrontation as a result of the work that we undertake. These incidents also extend to other organisations and individuals involved in conservation work, including DOC suppliers, Iwi, contractors, and volunteers.

DOC encourages every New Zealander to be actively engaged in conservation. We respect the right of individuals and groups to discuss the issues that are important to them and us, and to exercise freedom of speech and peaceful protest. However, we also take the health and safety of our staff and others undertaking conservation work very seriously, and have zero tolerance to actions which harm or endanger them.

Where it is appropriate, we bring any such behaviour to the attention of the relevant authorities including New Zealand Police and other agencies such as Netsafe. Those agencies then decide what action to take in the circumstances. This may involve them engaging with the individual concerned or any relevant third party. In the case of Netsafe this can include engaging with companies that provide a social media platform to which any offensive or threatening or inappropriate material has been posted.

It is worth noting that the companies that provide those platforms typically have their own terms of use and community standards.

## **Your request**

For ease of reference, we have addressed each of your queries separately below.

- 1) *A summary of threats made to DOC staff between 7 and 10 June 2019 in the wellington area, along with an outline of the nature of these threats and date stamped evidence of said threats;*

After carefully considering your request, we have decided to release relevant information to you by way of summary (as you requested). Our decision to do so has been made in order to protect the privacy of all the individuals concerned and to prevent any improper pressure or harassment of officials.

During the period between 7 and 10 June 2019 the Department identified one instance of what it categorised as “Abuse and Harassment” in relation to a post to social media. The post was not categorised by the Department as a threat.

The post contained offensive comments. After considering the content of the post, the matter was referred to Netsafe. Netsafe subsequently contacted the company hosting the post and they removed it from their website on the basis it violated their community standards.

- 2) *An accounting of how much DOC spent on these threats;*

The staff involved in dealing with such matters do so as part of their usual business and their time is not recorded on a cost recovery basis. Accordingly, we do not hold the information you have requested and have decided to refuse your request under section 18(e) of the OIA on the basis that it does not exist.

However, in the hope it assists your understanding, as we have noted, where appropriate, instances of threats, harassment and abuse are referred to other agencies. We estimate that a straight forward referral to another agency such as the one described above would typically take in the order of 20 to 30 minutes work. The cost to the Department in such a case is only minor and we consider it nominal in the context of protecting staff from abuse and harassment.

- 3) *Excerpts from generic DOC staff employment contracts relating to commitments to honesty and integrity;*

Expectations and standards in relation to the honesty and integrity of staff are set out in the Standards of Integrity and Conduct prepared by the State Services Commission (SSC).

All employees and contractors are expected to read and acknowledge these standards prior to the commencement of their employment or contract, and are expected to meet these standards for the duration of their employment or contract with the Department.

Information on the SSC Standards of Integrity and Conduct can be found on the SSC website ([www.ssc.govt.nz](http://www.ssc.govt.nz)). I have also attached a copy of the document “Standards of Integrity and Conduct: An Explanation”, which has been prepared for the purposes of assisting staff to understand how they can meet the SSC Standards.

You are entitled to seek an investigation and review of this response by writing to an Ombudsman as provided by section 28(3) of the Official Information Act.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M Kessick', is written over a horizontal blue line.

Martin Kessick  
Deputy Director-General Biodiversity

# Standards of Integrity and Conduct: An Explanation (QD Number 1026)

A code of conduct issued by the State Services Commissioner under Section 57 of the State Sector Act 1988.



Released under the Official Information Act

## Contents

Standards of Integrity and Conduct: An Introduction .....	3
Why do we need a code of conduct? .....	3
What's the relationship between this code of conduct and the Public Service Code of Conduct? .....	3
What value will this code add? .....	4
Standards of Integrity and Conduct .....	4
<b>Fair</b> .....	4
We must treat everyone fairly and with respect .....	4
We must be professional and responsive .....	5
We must work to make government services accessible and effective .....	6
We must strive to make a difference to the well being of New Zealand and all its people .....	7
<b>Impartial</b> .....	7
We must maintain the political neutrality required to enable us to work with current and future governments .....	7
We must carry out the functions of our organisation, unaffected by our personal beliefs .....	9
We must support our organisation to provide robust and unbiased advice .....	10
We must respect the authority of the government of the day .....	11
<b>Responsible</b> .....	14
We must act lawfully and objectively .....	14
We must use our organisation's resources carefully and only for intended purposes .....	15
We must treat information with care and use it only for proper purposes .....	16
We must work to improve the performance and efficiency of our organisation .....	17
<b>Trustworthy</b> .....	17
We must be honest .....	17
We must work to the best of our abilities .....	18
We must ensure our actions are not affected by our personal interests or relationships .....	18
We must never misuse our position for personal gain .....	19
We must decline gifts or benefits that place us under any obligation or perceived influence .....	20
We must avoid any activities, work or non-work, that may harm the reputation of our organisation or of the State Services .....	21

## Standards of Integrity and Conduct: An Explanation

**This resource provides an explanation and context for the Standards of Integrity and Conduct with examples of the application to increase understanding.**

### Standards of Integrity and Conduct: An Introduction

The *Standards of Integrity and Conduct* is a code of conduct issued by the State Services Commissioner under Section 57 of the State Sector Act 1988.

The standards set by this code of conduct relate to matters of integrity and conduct. Integrity is the inclusive and all-embracing description of these ethical requirements. The headings under which the standards have been grouped - **Fair, Impartial, Responsible and Trustworthy** - are indicative of integrity. Integrity itself is pervasive and implicit in all the standards.

### Why do we need a code of conduct?

The *Standards of Integrity and Conduct* is a code that provides the basis for ongoing trust in the State Services. It also protects staff by setting out clear expectations, so that everyone knows their obligations and what is required of them.

The State Services is collectively responsible for implementing government policies and providing or administering a wide range of statutory functions and public services. State servants are guardians of what ultimately belongs to the public; and that the public expects State servants to serve and safeguard its interests.

The New Zealand State Services is regarded as one of the most honest and transparent in the world. Every state servant has a part to play in acting with integrity to maintain New Zealanders' confidence in the State Services.

Misuse of a position or of powers, or a failure to meet expectations, causes people to lose trust in government. A perceived "integrity failure" in one government agency can impact negatively on the opinion people hold of all the State Services.

### What's the relationship between this code of conduct and the Public Service Code of Conduct?

The *Standards of Integrity and Conduct* will replace the *New Zealand Public Service Code of Conduct*. The behaviour that is expected under the new code is no different from before. The values implicit in that code are enduring. What has changed is the way they are expressed. The Public Service code will continue to be a useful tool to help interpret and understand the standards in the new code.

### **What value will this code add?**

The *Standards of Integrity and Conduct* sets out the behaviour expected of everyone working in the State Services. This means that staff know their obligations and what is required of them. Because the code incorporates standards, it gives staff a basis from which to make judgment calls in situations that may be ambiguous or difficult.

The code gives a unifying sense of values across the State Services, building a shared commitment and sense of trust across organisations with widely varying functions.

### **Standards of Integrity and Conduct**

We must comply with the standards of integrity and conduct set out in this code. We must be fair, impartial, responsible, and trustworthy.

#### **Fair**

#### ***We must treat everyone fairly and with respect***

Treating people fairly means that we do not show any favouritism, bias or self-interest in our work. Fairness is at the heart of the democratic process, which everyone in the State Services has a responsibility to support. We are required to administer the law and to give effect to government policy fairly and reasonably, and with respect for the people we serve.

Our decisions must be based on accurate information, taking into account only relevant considerations. We must decide cases on their merits. We must observe the principles of natural justice, which requires us to disclose information about the way we make decisions and allow a fair opportunity for people who may be affected by them to make representations. We must avoid any perceived unfairness that could arise from having any personal interest in decisions we make or from working on matters where we have a close relationship with those involved.

We must be fair to the community as a whole. This means that we must not concede to unreasonable demands from people seeking services from our organisations.

We must treat everyone with respect - the public we serve and the colleagues we work with. This requires being courteous and contributing to the smooth functioning of our workplaces by:

- not discriminating against anyone, except as legally required to give effect to our organisation's functions
- protecting the privacy of people accessing services
- not harassing, bullying or otherwise intimidating members of the public or colleagues
- respecting the cultural background of members of the public and colleagues
- having proper regard for the safety of others
- avoiding behaviour that may endanger or cause distress to colleagues
- not allowing workplace relationships to adversely affect our work performance
- valuing equality and diversity by understanding our differences.

We must promote in our organisations a respectful culture that ensures information and services are made available in a way that takes account of the particular interests, sensitivities and backgrounds of people seeking those services.

Our commitment to being fair does not constrain our duty to give effect to legislation. It is not unfair to enforce obligations imposed by law. Compliance action is not inappropriate just because offenders consider those measures to be unfair.

***We must be professional and responsive***

Being professional requires us to have well developed personal integrity, to be committed to our organisational responsibilities and to be aware of the extent to which other interests may affect those responsibilities. Senior staff in our organisations must be particularly conscious of the constitutional framework within which we operate.

Many of us are part of professions that have membership codes of conduct. Such codes set out obligations that apply concurrently with the duty we have to our employing organisation. We must manage any differences with integrity, including discussing concerns with our manager. However, as all codes promote ethical behaviour, it is unusual for their provisions to create real conflict. If a conflict should arise, the State Services Commissioner will determine whether behaviour is appropriate in the circumstances of the particular State Services role rather than any professional code.

Our professionalism is shown by the way we treat people and respect their privacy. It is shown also in the way we meet the performance standards of our vocation and of the organisation we work for. Where our work involves research or innovative developments, we must have regard to obligations specified by relevant ethics committees.

We are encouraged to maintain links with outside organisations. This may involve us in public discussions about policy and services that risk capture by interest groups and the possible perception of undue influence. It is important



that we are always aware both of our professional responsibilities to our organisation and of maintaining good relationships with the Government.

In a small country it is almost inevitable we will know personally some of the people we need to deal with on an official basis. It is very important to be alert to the implications of this.

Because we are in a position to influence the granting of benefits, exercising of discretions, shaping of resource allocations, making of enforcement decisions and development of policy, we must always act fairly and impartially, and record processes transparently.

Where government policy is broadly expressed, it is important that we respond consistently with the intended purpose, act with fairness and reasonableness, and reflect commitment to the spirit of service.

Our organisations have a duty to provide clear information to the public about services, entitlements and any obligations that service users may be required to meet. The information should be presented in plain English and, where helpful to users, in Māori and other languages. Our responsiveness should be shown by providing services within statutory timeframes, and seeking, when practicable, to shorten the delivery time and improve the quality of service.

*We must work to make government services accessible and effective*

Being accessible requires us all to take personal responsibility for responding in a way that is helpful to those using our services. We must be alert to the importance of liaising with other parts of the State Services to minimise barriers that may impede accessibility, and be innovative in finding how best community needs can be met.

Our actions must minimise the likelihood of any individual, group or community being disadvantaged. We must take care that the public has reasonable access to our organisation, and to information about services and entitlements. We must always consider customer-focused alternatives to traditional ways of providing services, and whether electronic transactions may be a preferred way for people to deal with us. The perceived fairness of our organisations may be influenced by the ease of public access to services.

Where appropriate, we should think about whether a professional interpreter will enable us to provide clearer, more accurate and more confidential support to people with limited English language skills.

Effectiveness flows from meeting objectives that our organisation has agreed with the Government and delivering benefits that the community expects from us. The challenge we always face is to be effective in situations where there is diverse demand. We must focus on getting the best results from public funding, i.e. value for money, and ensuring that what we do reflects the Government's priorities and policies. In many circumstances, effectiveness may come from

working more closely with other organisations and exploring whether advantages and cost benefits can result from integrating activities.

***We must strive to make a difference to the well being of New Zealand and all its people***

As state servants, imbued with the spirit of service to the community, we are motivated to improve the well being of New Zealanders. A concern for the well being of others is central to the spirit of service. This involves each of us endeavouring to find more efficient, effective, economical and sustainable ways of making our professional contribution to the work of our organisation.

Our relationship with the public should be distinguished by goodwill and impartiality, coupled with trustworthiness, and a liberal interpretation of fairness and respect for the rights of others - in effect, the integrity standards of the code of conduct. It is by applying these standards to the work of government that we can make a difference to the betterment of New Zealand.

Our obligation to the communities we serve means that we should not turn a blind eye to wrong-doing. We must take responsibility to ensure our senior managers are advised of any serious integrity concerns we have about conduct shown by colleagues, and which could bring our organisation into disrepute. If we are concerned about the consequences of reporting serious misconduct, we should follow our organisation's Protected Disclosures Act policy.

## **Impartial**

***We must maintain the political neutrality required to enable us to work with current and future governments***

A major characteristic of New Zealand's constitutional arrangements is that public sector organisations are apolitical. It is important that in the State Services we do nothing that will detract from the ability of our organisations to work with the Government, regardless of the political parties Ministers may represent. Our responsibility to the Government is to work in a politically neutral manner. Our commitment to Ministers must be unaffected by any party-political concerns.

We must act in a way that ensures we are able to establish professional and impartial relationships with future Ministers. Because of the apolitical way we carry out our tasks, those who may be in government at some future date can be confident that we will support them, remain impartial and be equally fit to carry out the work of government under their administration. By remaining constant in our political neutrality, we deserve their confidence and their willingness to work with us. Our responsibility is to do nothing that undermines the ability of our organisation to provide strong support for the good government of New Zealand, regardless of the political composition of the Government.

If we hold a prominent decision-making position in our organisation and take part in high-profile activities that are not directly related to our job, we risk a public perception that we are not able to work in a disinterested, public spirited and politically neutral way. There may be disbelief that we can separate our personal and professional lives. Public trust in our impartiality can be affected. The confidence that the Government or future Ministers have in our organisation can be undermined in the same way. A consequence is that we must always consider the way our actions may be perceived by reasonable observers, and accept that our official responsibilities may place some constraints on the way we exercise our personal freedoms.

From time to time some of us may be required by a Parliamentary Select Committee to attend its deliberations. If that happens, we must be aware that our contribution is as part of executive government. We have a duty to Parliament and in support of the Government. We must be aware of the obligation to ensure our activities are not a surprise to our Minister. If we work in a department, we must have regard to the expectations of our Minister when contributing to Select Committee proceedings. If we work for a Crown entity, we will seek the direction of our board, which in turn will assess the Minister's expectations.

We must be careful when Members of Parliament make direct approaches to our organisation. An enquiry made in a private capacity should be managed in a strictly impartial way. Where there is doubt about the nature of an approach, we should refer the matter to our chief executive who, if the approach is inappropriate, will refer it to the Minister.

For most of us in the State Services, participation in party politics is not likely to affect the confidence that the Government has in the organisation we work for, and is not likely to undermine our ability to work with future governments. What we must do is ensure that we do not confuse our political rights with our employment responsibilities. This requirement is the same whether we work for a department or for a Crown entity. It means we must always be conscious of our shared responsibility to ensure that our organisation maintains the confidence of Ministers.

In some Crown entities and at junior levels in most organisations, there is little direct connection with Ministers and the political process. Where that is the case, this explanation about impartiality and the political neutrality standard may have limited relevance. The explanation is much more relevant for managerial staff and others with extensive contacts with Ministers.

As a general rule, we are free to belong to any lawful organisation. Our rights to participate in social campaigns and the activities of political parties, unions and professional associations are not precluded because we work in the State Services. But we need to be aware always of the perceptions others may have of our ability to be politically impartial in the way we do our work. When expressing views on behalf of such groups, we must ensure that we will not be seen as speaking on behalf of our State Services organisation.

In some organisations, collective employment agreements may provide a framework for membership of unions, may outline standards about public comment on issues of concern, and may recognise commitments under codes of conduct of relevant professional associations. Organisations must always have regard to their obligations to the Government and determine how they will comply with the requirements of the State Services Commissioner's code of conduct when developing this type of agreement.

Just as membership of a political party is acceptable for most of us, so is helping with fundraising, assisting with a leaflet drop, or taking part in other forms of support for a party. However, senior state servants, and state servants who have a close working relationship with Ministers, should avoid these affiliations.

This standard involves two different principles. It imposes an absolute obligation not to bring our political interests into our work. It also implies that there is a variable tolerance for political involvement. We must maintain in our non-working lives the level of political neutrality that is appropriate for the responsibilities we have. Those of us in very senior positions may be required to have a very low level of involvement, perhaps with our interest being discernible only by a visit to a polling station on election day. By contrast, if we are unconnected with policy development or are not in a managerial role, we will usually be free to be politically active. What makes the difference is our ability to work not only with the current Government but with future Ministers, following a change in composition of the Government. We must be aware always of how perceptions of our personal activities could undermine the confidence that Ministers have in our organisation.

As always, it is a matter of judgement. Whether it is a political party involvement or taking on a role in a community campaign group, a union or a professional organisation, we must be careful to keep politics out of our job, and our job out of politics.

***We must carry out the functions of our organisation, unaffected by our personal beliefs***

The work we do must not be influenced by personal beliefs or commitments. These personal interests can be wide-ranging, including party political, religious, philosophical, and vocational, and can be shaped by all sorts of experiences and upbringing. What we do in our organisation must reflect State Services standards of integrity and conduct and not be undermined by any personal conviction or particular ethical viewpoint we may embrace.

Working for an organisation in the State Services does not preclude us from having strong personal beliefs. Sometimes the strength of our convictions will make it difficult for us to carry out a particular organisational task. The code of conduct is not intended to prevent the expression of conscientious objection in such cases. Conscientious objection is recognised in several statutes. However, where these circumstances arise, we must make sure that our organisation has

been alerted to our concerns in a timely way, so that the ability to deliver public services is not diminished.

We must obey all lawful and reasonable instructions given by our organisation and work as directed. We are never justified in ignoring the operating procedures of our organisation and interpreting government policy or exercising our decision-making responsibilities in a way that suits our personal beliefs.

When expressing our personal beliefs in any public debate, and particularly if relating to matters of government policy or activities of our organisation, we should ensure comments we make are appropriate to the position we hold, and are compatible with the need to maintain the convention of party political neutrality. If we occupy a managerial position or work closely with Ministers, we need to exercise particular care.

We must always be alert to the relationships our organisation has with other parts of government and the possible implications of allowing personal beliefs to intrude on our work.

***We must support our organisation to provide robust and unbiased advice***

We apply high standards of professionalism to the advice we prepare for our organisation, regardless of whether that advice is for Ministers or other decision-makers. Although most of us may not be directly involved in advising Ministers, it is important that we are all aware of the responsibilities placed on our organisation, and on our senior managers and advisers who work closely with Ministers.

Our advice must be honest, impartial, comprehensive and objective. The traditional expression is "free and frank advice". This relates directly to the need to maintain the confidence of our Minister (as well as any future Minister) and to the principle of political neutrality. Our advice must be free of personal interest, political bias or the interests of our organisation. It should reflect an understanding of the policies and priorities of the Government. It should be transparent and should not contain unclear or hidden agendas.

Free and frank advice is not always the advice Ministers wish to hear. In giving advice, we must be sensitive and responsive to Ministers' aspirations and objectives. At the same time, we should have regard to the concept of public good and concern for the public interest. Our advice should reflect both a wide appreciation of relevant subject areas and our consideration of affected communities.

The role of the State Services is to maintain the confidence and trust of successive governments. To be effective, and in order to be seen by Ministers who comprise successive governments as being fit for that role, we must be impartial both in the way we conduct ourselves and the advice we provide.

Those of us working in a Crown entity that has a role of advising Ministers must be equally impartial in what we do, although we provide advice on behalf of our board members.

*We must respect the authority of the government of the day*

All State Services organisations form part of executive government. Our organisations carry out activities on behalf of the Government. We must recognise our relationship to the Government and respect the responsibilities and the authority of Ministers. The way we carry out our roles will influence the confidence the community has in the good government of New Zealand. We must always be aware of the importance of supporting democratic processes and promoting trust in the institutions of government.

There is an explicit difference in the relationship that departments have with Ministers and that between Crown entities and their Ministers. The role of the Public Service is to serve the Government. This means that those of us working in departments have a direct association with our Minister on behalf of our chief executive. As departmental employees, we are "responsible" to the Minister. This contrasts with those of us working for Crown entities, where our relationship with the Minister is through our board. We must give effect to the directions of our board, which in turn must consider how best to maintain its obligations as part of executive government and the expectation that the board operates in a way that retains the confidence of the Minister. Crown entities are "accountable" to the Minister.

Senior staff and those with extensive links to Ministers must always be alert to the implications of working for organisations that are part of executive government and those of us in more junior roles should be aware of those responsibilities.

We must always respect the authority of the Government and the role of Parliament.

We do this by understanding the conventions of parliamentary democracy. Ministers set and comment on government policy. The role of most of us in the State Services is to explain and give effect to that policy. A few state servants hold statutory roles that from time to time may require them to comment publicly about government policy. Some of us work in organisations with independent decision-making or advocacy responsibilities and may be authorised to comment publicly on policy issues. It is only if we have one of these exceptional roles that we may comment about government policy on behalf of our organisation.

We must bear in mind the sensitivity that both current and future Ministers may have about our involvement in high-profile activities that could be viewed as party political. This connects closely with the need to ensure our personal activities are kept separate from our work interests. Where it is appropriate for us to be publicly involved in commenting on matters relating to our organisation,

we must make sure that we are not acting in a way that undermines our spirit of service to the community, and that the professionalism of our actions is deserving of the confidence of any government.

It is generally unacceptable for us in our personal capacity to comment on matters of government policy if we:

- use or reveal any information gained in the course of our work where this is not already known by, or readily available to, the general public
- purport to express or imply an organisational view
- act in a way that constitutes a personal attack on a Minister, work colleagues or other state servants
- criticise in such strong or persistent terms that our ability to give full effect to the executive government responsibilities of our organisation in an impartial way is called into question.

We must not disclose advice we have given to Ministers or make public comment on behalf of our organisation, except in accordance with our organisation's policies for the release of official information.

The extent to which we are able to comment on political matters shows the difference between what is acceptable for those of us working in a Crown entity and those of us who are departmental employees. It is inappropriate if we work in the Public Service to criticise, or offer alternatives to, our Minister's current or proposed policy, a programme our organisation has in operation, or the activities of any other Minister or government organisations with which we are professionally involved. Some of us in Crown entities, for example in the Housing New Zealand Corporation or the Accident Compensation Corporation, have similar obligations.

However, many of us in Crown entities are not involved in supporting our board to give advice to our Minister, and we carry out operational tasks with only a distant relationship with the Minister. It is this distance that sometimes makes it possible to comment in a personal capacity. We must always have regard to the role and responsibilities of our organisation and ensure that we follow processes to avoid the Minister being surprised by our comments. Where there is scope to comment in a personal capacity we must observe our organisation's policies and procedures.

As in all matters of integrity, exercising judgement is essential.

When our comments relate to implementation or delivery, we have a duty not to compromise our organisation's operations, or our relationships with Ministers.

Maintaining confidence means not only keeping Ministers informed of issues relating to our organisation but ensuring there are "no surprises" regarding policy implementation and delivery. We are expected to advise Ministers in advance of circumstances likely to impinge on the Government's responsibilities,

any major strategic initiatives, and issues that may attract public interest or political comment.

A "no surprises" way of working does not interfere with an organisation's independent decision-making role or its operational responsibilities, but reflects the part all organisations play in executive government.

Where it is acceptable for us to comment in a personal capacity about matters in which we have an interest, it may relate to a topic that concerns our Minister, and our organisation should ensure there are "no surprises" for the Minister flowing from such comments. For example, those of us who work for a district health board and want to comment publicly on matters within our areas of expertise or experience will follow the procedure in the *Code of good faith for public health sector*, and make it clear that our observations are made in our personal capacity or on behalf of a union, having first raised the matter with our organisation and given sufficient time for it to respond.

Working in a policy development area, relating closely with Ministers, or having managerial responsibilities does not prevent us being active members of a union or professional association. However we must not use, for the benefit of the union or professional organisation, information acquired in the course of our work.

Some of us who work closely with Ministers may want to support public debate about issues unrelated to our work. Because it may be detrimental to relationships with the Government for us to be seen to be questioning official policies, there may be circumstances where it is appropriate for us to use unions or professional associations as a vehicle for comment. When doing so, we must be very aware of the integrity of our actions. We must not disclose official information that has not already been made public, nor act in a way that may harm the reputation of our organisation. We must be open and honest about our actions. Openness will usually involve ensuring our manager is aware that we are exercising our political rights in a way that avoids affecting relationships with Ministers.

If we take on a spokesperson role with a union or professional association, we will not be under the same constraints when making comments that are critical of the Government or of the management of our organisation, when such comments are clearly on behalf of that union or association. However, we must always appreciate the obligation to act responsibly, and not act in a way that harms the reputation of our organisation or of the State Services. We must always be aware that any public role will inevitably affect our personal image and our ability to carry out our responsibilities as state servants. Though it may not be improper to take on political activities of this kind, we must accept that a consequence is that, for an indefinite period into the future, we may not be able to resume a more discreet and impartial role.

Our organisation must provide material in a timely way to ensure our Minister is well informed and, when required, can account to Parliament for the efficient



functioning of our organisation. Our organisation has a responsibility to alert our Minister to potentially adverse consequences of a proposed course of action, but we recognise that we must not involve ourselves in the political activities of Ministers. It is not our task to protect Ministers from the political process or to assist Ministers in ways that would undermine standards of honesty expected throughout the State Services.

## **Responsible**

### ***We must act lawfully and objectively***

We obey the law. This means we must act within the letter and spirit of the law. We recognise that the purpose of many of our organisational policies and procedures is to give effect to the requirements of the law. When making decisions, we must act within the scope of the power or discretion conferred on us, and within our delegated authority. The exercise of executive powers must comply with both New Zealand law and any international conventions given effect through statute.

It is important we show an objective and balanced approach to our legislative responsibilities. We respect the traditions of liberal democratic government and the rule of law. We do not act arbitrarily or oppressively in giving effect to law. Actions that are unreasonable or unjust can be unlawful. We must maintain accurate, complete and accessible records of the decisions and actions we take.

Many organisations have responsibility for administering and enforcing particular pieces of legislation. This responsibility must not blind us to the equal importance of other laws.

Those of us working internationally must be aware in particular of the obligation to support the New Zealand commitment to the OECD Convention on Combating Bribery of Foreign Public Officials and report to the appropriate authority any incidents involving the bribery of officials.

We recognise that a consequence of working in the State Services is that sometimes we have higher integrity obligations than other people do. We are legally required to comply with the standards set out in the code of conduct.

We are aware that public trust is influenced by the perception that the public has of our organisation. This means responding objectively if we become aware of any unlawful activities in our organisation. We appreciate the importance of modelling the standards set by the code of conduct and taking responsibility to support our organisation take decisive action when we learn that standards are being breached.

*We must use our organisation's resources carefully and only for intended purposes*

All organisations have a statutory duty to use resources efficiently, effectively and economically, and to account publicly for their stewardship. Our organisations should have appropriate procedures to ensure that capital assets, operational funding and staff resources are committed responsibly and that there is clarity about proper discretionary spending, including travel and allowances, and the acceptable use of office equipment, organisational facilities, and vehicles.

We must keep firmly in mind that our organisation's resources are publicly owned and are funded by public money, whether or not that funding comes through taxation, levies or similar arrangements. We follow careful processes for procuring and using our organisation's resources and in disposing of assets that are no longer required. The reputation of our organisation is important to us. When we promote awareness of the services for which we are responsible, we must be mindful also of the part we play in government as a whole.

All organisations have ICT systems that enable speedy communications, remote access, efficient research and simplified record-keeping. Electronic contact with users of our services and colleagues is increasingly expected of our networked State Services. These resources must not be misused.

It is never acceptable for us to access official information for personal purposes or to give that information to others, without clear authorisation from our organisation.

In keeping with the practice of most employers of choice, occasional and moderate personal use of our organisation's telephones, web-based resources and other office equipment is acceptable. These resources, however, are provided for the work of government. We must never put ourselves in a position where our office equipment is being used to operate a private business. Our responsibility is to ensure any unofficial use of organisational resources is reasonable and lawful.

Particular caution is necessary when accessing the Internet. Many web resources are helpful in broadening our awareness and understanding of issues relevant to our work. There is a wealth of information that can enhance our personal development and improve the contribution we can make to our jobs. However, many websites may be characterised as anti-social. These websites are often structured around violent, prurient, intimidating or extremist content. Except for enforcement and approved research activities, it is unlikely that accessing such material using organisational resources can ever be acceptable.

When assessing whether personal use of our organisation's resources is acceptable, we must take a conservative view of what is occasional, moderate, reasonable and lawful. We must be transparent in the way we use these resources, and always be mindful of public expectations and perceptions.

The way we carry out our trusteeship role in respect of public property will have an unavoidable effect on public confidence in the State Services.

*We must treat information with care and use it only for proper purposes*

The proper management of information is central to the integrity of the State Services. We have a duty to handle official information appropriately and ensure that personal privacy rights are preserved. We must all be familiar with legal obligations relating to the protection and release of official information. Statutory privacy principles must always govern the handling of personal information.

It is a breach of trust for us to make use of information that we have learned through our work, or to disclose it in any way, unless we have permission to do so. We should always be very circumspect about discussing our organisation's information when we are not directly engaged in organisation business, and be aware that, unless we have authorisation or it is a matter of public record, we do not disclose official information at external meetings (despite any claim to "Chatham House" rules) or in any academic activities we undertake.

We are required to give New Zealanders access to personal information about themselves, and to make any official information available on request unless, as specified by law, there are good reasons for withholding it.

The availability of official information has become a foundation of our democracy. We must recognise the importance of giving effect to our organisation's procedures when responding to information requests, and be alert to the interest that our Minister also has in information held by our organisation. When we receive requests to release politically sensitive information, we must notify our Minister well in advance of any release.

Public perception about the integrity of an organisation will be shaped by the way it manages information. The Official Information Act requires organisations to give reasonable assistance to applicants so that they frame requests with "due particularity". This means we should not be evasive in compiling responses, nor answer in a way that will result in an applicant receiving information presented in a misleading way. The obligation for honesty is pervasive.

We must appreciate the importance of a well-informed electorate at the time of a general election and our responsibility for facilitating speedy responses to information requests. We must not delay responding to information requests in the lead-up to an election, in a misguided sense of obligation to our Minister. Ombudsmen have been emphatic that we must recognise that one of the important purposes of the Official Information Act is to support the effectiveness of a general election. The purpose described in section 4(a) is:

*To increase progressively the availability of official information to the people of New Zealand in order-*

*(i) to enable their more effective participation in the making and administration of laws and policies; and*

*(ii) to promote the accountability of Ministers of the Crown and officials,*

*and thereby to enhance respect for the law and to promote the good government of New Zealand.*

### ***We must work to improve the performance and efficiency of our organisation***

We have an obligation to consider how we can carry out our functions in better and more successful ways.

Our organisations are required to perform efficiently, effectively, economically and with a spirit of service to the public. We must be aware of the sustainability implications of what we are doing.

We must always act in the public interest. This requires us to understand the communities we serve and appreciate the important duty we have to rise to public need when circumstances demand. Our work involves delivering the quality services that the Government expects of us, and contributing to the results that New Zealanders are entitled to. We must consider the part we can each play in improving the effectiveness of our organisation and take responsibility for improving our own performance. Personal improvements in efficiency will contribute to improvements in the overall efficiency of our organisation.

Improvements flow from attention to what we do and how we do it. This involves our decision-making and performance management systems. We must be able to measure how effective and efficient we are if we are to improve on what we do. Ways of doing this include programme evaluations that focus on results, client surveys, analysis of complaints, and use of research.

### **Trustworthy**

#### ***We must be honest***

We are expected to act honestly.

This obligation is not only work-related. It arises at any time when the consequences of dishonest conduct may have an impact on public trust or on the confidence that Ministers, Parliament, or others in the State Services, can have in our organisation.

The principle of honesty underpins the obligations of all of us in the State Services. Public trust in the State Services will be determined primarily by the degree to which New Zealanders believe that at all times we act with honesty. We are expected to respond to what we believe to be true, and to act always with a focus on accuracy and authenticity.

Honesty does not necessarily mean continuous, full disclosure. In some circumstances, full disclosure is a requirement. Other circumstances may require care. For example, the courts have recognised that organisations with responsibility to enforce legislation cannot be required to openly disclose their evidence-gathering activities. It is sometimes necessary to disguise the way these activities are carried out. But these circumstances are rare. Unless there is a lawful reason for doing so, we must not act on the premise that the end justifies the means.

Honesty is frequently associated with professional courage. We must not act with guile for administrative convenience or to conform to political arrangements. We must not deceive or knowingly mislead. Being honest requires us to set out facts and relevant issues truthfully and to correct any errors as soon as possible. We must be careful about providing only some of the facts about an issue if we anticipate that we may encourage misunderstanding. Providing only half the facts may mean we are telling only half the truth.

Honesty means that we are truthful and open.

### ***We must work to the best of our abilities***

Working to the best of our abilities is a way of demonstrating our spirit of service. We have respect for the taxpayers who fund our employment, and we are committed to working diligently in return.

We recognise that it is important for the people of New Zealand to be aware of the work we carry out on their behalf, and that they trust us to act always in the public interest. We appreciate that properly documenting our decisions and actions is part of promoting public understanding and maintaining community confidence. It is important that we keep accurate records that can be readily accessed. This enables us to let the public know what we do and how decisions and outcomes have been reached. Ombudsmen have commented that ... "the ability to communicate and explain is often dependent on the quality and accessibility of records of a citizen's interaction with public sector agencies".

We are expected not only to be apolitical, responsive, objective and accountable in carrying out the work of our organisation, but to endeavour to improve the quality and quantity of the contribution we make. This may involve supporting others within and across organisations to share knowledge and expertise. We should use personal development opportunities to increase our skills and the value we can add to our organisation. This has been described as working with pride, passion, pace and professionalism.

### ***We must ensure our actions are not affected by our personal interests or relationships***

Ensuring our actions are not affected by personal interests or relationships is essential if we are to be worthy of public trust. It is equally important that we do

not act in a way that improperly benefits our family or friends or groups in which we have a personal interest.

We must avoid circumstances where our personal interests or relationships conflict with the interests of our organisation. We must also avoid situations where there could be an appearance of such conflict. Our actions need to be fair and unbiased and should always be able to bear close public scrutiny. An important part of strengthening trustworthiness is our commitment to transparency. Openness allows organisations to ensure that conflicts are avoided or managed. By being open with our organisation and disclosing non-work commitments, we enhance our trustworthiness.

It is important we do not give preferential treatment to people we are connected with, either socially, personally, through work or in any other way. Our organisations must have processes that preclude our being involved in deciding matters relating to friends or family, and we must not take part in employment selection processes, or have supervisory responsibilities, that involve another family member.

Any commercial activities, investments or other personal interests must not influence the work we do, and we must be open in declaring where our interests may potentially conflict with our responsibilities. Just as we must first obtain the consent of our organisation before undertaking additional employment so that any conflicts can be avoided, we must also disclose any commercial business we set up that will operate concurrently with our work in the State Services.

We must never use for personal advantage any information that we may access in the course of our work and that is not already generally available to the public.

We must always be conscious of the potential for conflict in what we do. Avoiding bias and avoiding any appearance of bias are equally important. If we have an interest, and our official responsibilities connect to that interest, our impartiality is at risk. We must avoid creating any sense among reasonable, fair-minded and informed observers that we favour any party to a decision, and avoid anything that would make them feel there is a real danger of bias in what we do.

***We must never misuse our position for personal gain***

We have a range of roles, responsibilities and powers that enable us to carry out our organisational functions. These must be applied, and the resources of our organisation used, only for the intended purpose and in the intended way. This is reflected in the duty of statutory Crown entities to ensure that everyone working for the organisation acts in a manner consistent with its objectives, functions, current statement of intent and any output agreement.

Using our position properly incorporates all the integrity standards of the code of conduct. It requires fairness and for us to act within the spirit and the letter of law and policy. It means that we remain impartial in our work and must not be

influenced in our decision-making by personal interests or advantage to any person or organisation with which we are connected.

We must be objective in the way we manage our work, ensuring we are fair, consistent and transparent in what we do. Acting inappropriately will inevitably conflict with the statutory requirement for our organisations to function in an efficient, effective and economical way, as managing complaints about the way we do things will divert resources from productive activities. We must maintain accurate records about what we do, and respond openly to requests for information, so that the public can be confident that we do not misuse our position.

New Zealanders expect us to work impartially, not to be influenced by personal motives, not to show favouritism and not to misuse public resources for our personal benefit. This means we must always be careful that we do not put ourselves in a position where our work responsibilities could be affected by some other interest that we have. It is equally important that we avoid circumstances where other people could reasonably consider that our personal interests create a conflict with our work responsibilities.

There is always a possibility of conflicts between our professional and personal lives. We need to be alert to this. If such circumstances arise, we must be very open and ensure that we have properly disclosed the potential conflict, have distanced ourselves from involvement and avoided acquiring information that could be seen as giving us a personal advantage.

***We must decline gifts or benefits that place us under any obligation or perceived influence***

We must be very careful about accepting any form of benefit that is not provided by our organisation and be aware always of the public perception that can result from accepting favours.

Using an official position for personal gain is a form of dishonesty that is likely to impact on public confidence in government and, particularly, in the State Services. Expectations in this area therefore are more demanding than is the case in the private sector and for the public generally. We understand that anything that is proffered to us in connection with our work can only be accepted if specifically permitted by the policies of our organisation.

There will usually be perceptions of influence or personal benefit if we accept gifts, hospitality or 'quid pro quo' exchanges of favours. We must not seek or accept favours from anyone, or on behalf of anyone, who could benefit from influencing us or our organisation. Organisations' policies on accepting gifts and hospitality vary, depending on their business. In all cases, it is expected that gifts will only be accepted following a transparent process of declaration and registration. To avoid misperceptions, it is essential that the process is public. This requirement applies equally when gifts and opportunities are offered to

organisations as a whole - for example, donations to social clubs and staff discount arrangements.

When we are presented with ceremonial gifts, these are expected to remain the property of our organisation, reflecting the relationship that gave rise to the gift.

Offers of hospitality, as with gift offers, must always be assessed in terms of the purpose of the donor. The business reason for this type of spending on state servants will usually relate to managing the relationship with organisations by facilitating access to decision-makers, or acquiring some implied endorsement through association with organisations. Receiving hospitality is usually inappropriate if it extends beyond courtesy.

There is potential for abuse in air points schemes and other product promotion programmes. We must ensure that work-related purchasing decisions are kept separate from arrangements of this type, unless our organisation has published policies that specifically address any apparent personal interest that may arise.

We must not receive personal benefits or gratuities from third parties for carrying out our organisation's functions, participating in activities as an organisation representative or undertaking work-related speaking engagements. Any payments should either be declined or paid to our organisation.

***We must avoid any activities, work or non-work, that may harm the reputation of our organisation or of the State Services***

As a general principle, what we do in our personal lives is of no concern to our organisation unless it interferes with our work performance or reflects badly on the integrity or standing of the State Services.

Our employers have a legitimate interest in any of our activities if they are likely to affect relationships with the Government, other Members of Parliament, or the public.

We must avoid being connected publicly with behaviour that creates a sense of public disquiet, and that, implicitly, diminishes trust in the State Services. Involvement in some personal activities, including unlawful behaviour or incidents involving a breach of trust, is likely to bring our organisation into disrepute.

We must use judgement when exercising our personal democratic rights or voicing professional concerns. We must be careful that we act lawfully, and that we do not misuse official or personal information we have acquired through our work. We must always be careful that our actions do not compromise our organisation or our Minister.

In making judgements about our non-work activities, we should consider:



- the nature and circumstances of the activity
- our position, duties, and responsibilities
- the consequences of the activity on our ability to fulfil our duties and responsibilities
- the effects of the activity or its consequences on our organisation's relationships with Ministers and people using our services
- any legal framework, e.g. the Health Sector Code of Good Faith, and other professional codes
- the likely public perception of the appropriateness of what we do, and the "angle" that commentators may adopt if there is media reporting of our activities
- implications of the behaviour on levels of public trust in the State Services.

Membership of unions and professional associations, and active participation in groups of this type, are not the sorts of actions that, in themselves, will harm the reputation of our organisation. Where activities involve direct criticism of, or opposition to, government policy, there is a need to ensure that we are part of collective action and that we are not disregarding the criteria set out above. The importance of keeping politics out of our job and our job out of politics is undiminished.

Before starting a business activity, or accepting any secondary or additional employment, whether or not it is for payment, we should obtain specific approval from our organisation. We should ensure that there will be no conflict with our official duties and no adverse effect on our efficiency or performance, and that the additional work can be performed wholly in our own time. Part-time employment is a tradition in areas such as the health sector, although it is increasingly common for us to work part-time. We must have clear authorisation from our organisation before we begin any secondary or additional work.

Additional employment may create a conflict if it involves:

- work in a business that has or is developing a contractual relationship with any government organisation
- an organisation that receives public funding
- a business that lobbies Ministers, or Members of Parliament, or government organisations
- a business that is regulated by the organisation we work for
- demands that may undermine our ability to fulfil our duties
- a business that has an interest in the privileged, private or confidential information that we can access.

When considering whether an activity may be harmful and therefore unacceptable, our immediate feelings can often be a useful guide. What is your conscience telling you? Another test of appropriateness may be the opinions of colleagues following discussion of all the facts, in effect a collective conscience. A reluctance to openly discuss an activity may reflect our innate awareness that the activity is not acceptable.

Released under the Official Information Act